

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

918 WRIT PETITION NO.4602 OF 2022

DIGAMBAR CHANDAR BIRKALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Vibhute Sunil M.
AGP for Respondents State: Mr. K. N. Lokhande

CORAM : R.D. DHANUKA & S. G. MEHARE, JJ.
DATE : 4th May, 2022

ORDER:

1. Learned AGP waives service of notice for the respondents-State.
2. Rule. Rule is made returnable forthwith and heard finally by consent of the parties.
3. By this petition under Article 226 of the Constitution of India, the petitioner has prayed for a writ of certiorari by quashing the impugned order dated 23.03.2022 issued by respondent No.3 classifying services of the petitioner from regular post to supernumerary post for the tenure of 11 months as per Government Resolution dated 21.12.2019.
4. Learned counsel for the petitioner tenders a copy of the order dated 26.04.2022 passed by this Court in Writ Petition No. 4603/2022 (Sandeep s/o Narsingrao Munlod Vs. State of Maharashtra and others)

and submits that judgment of this Court would squarely apply to the facts of this case.

5. Learned AGP could not distinguish the said judgment delivered by this Court on 26th April, 2022. The said judgment is applicable to the facts of this Case.

6. Learned counsel appearing for the petitioner states that no reasons are required to be recorded by this Court in view of the fact that by earlier decisions of this Court, the impugned order placing the petitioner similarly situated under supernumerary posts during the pendency of validation proceedings are already quashed and set aside.

7. Learned counsel appearing for the parties jointly state that similar order that was passed by this Court on 05.10.2021 in Writ Petition No.11074 of 2021 be passed in this petition. Statement is accepted.

8. It is an admitted position that the caste claim of the petitioner is pending with the Scrutiny Committee for quite some time. The petitioner shall appear before the Caste Scrutiny Committee on 09.05.2022 at 11.00 a.m. and shall not seek any unnecessary adjournment. The Committee shall dispose off the proceedings within a period of six (6) months from the date of communication of this order. The impugned order placing the petitioner under supernumerary posts

during pendency of validation proceedings is quashed and set aside. The respondents may take further coercive action depending upon the judgment delivered by the Committee in the validation proceedings after expiry of four (4) weeks from the date of communication of the order, if the same is adverse against the petitioner.

9. Writ Petition is allowed in the aforesaid terms. Rule is made absolute accordingly. No order as to costs.

10. Parties to act upon the authenticated copy of the order.

(S. G. MEHARE, J.)

(R.D. DHANUKA, J.)

JPC